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THE PRESERVATION OF ARKANSAS HISTORY*

By DAVID Y. THOMAS

June 27, 1806, the legislature of the territory of Louisiana passed an act creating the district of Arkansas of uncertain boundaries. After the admission of Louisiana as a state, Arkansas remained a part of Missouri until 1819, when it was made a territory with the capital at Arkansas Post, not far from the mouth of the Arkansas River. The secretary, Robert Crittenden, of Kentucky, arrived some time before the governor, James Miller, of New Hampshire, and at once called a session of the legislature, which consisted of himself as acting governor and the three judges of the superior court, to meet, July 28, 1819. Later he ordered an election to be held on November 20 for five members of the council and nine members of the house of representatives, and this elective body met the following February. October 18, 1820, Governor Miller signed an act which provided that the capital should be Little Rock, where the speaker of the house and some other politicians had already looked after their interests, or soon did so. In 1836 the territory was admitted to statehood. Such was the beginning of the history of Arkansas as a separate political organization.

The first constitution (1836) required the secretary of state to "keep a fair register of all the official acts and proceedings of the governor and, . . . when required, lay the same and all minutes, papers and vouchers relative thereto before the General Assembly." An act of 1838, still quoted in the Digest but practically obsolete, required him to have bound, "three copies of the acts of the general

* The material for this paper was secured mainly from *Arkansas State Publications* (Washington), the *Publications of the Arkansas Historical Association*, interviews with and letters from state officials, state publications, and an incomplete examination of the archives at Little Rock.

assembly of the State and the acts of every other State of the United States, and the state papers and documents of the United States." The current Digest, based partly on the constitution (1874) and partly on legislative acts, provides that the secretary of state "shall reside and keep all public records, books, papers, and documents which may pertain to his office, at the seat of government" and receive "from the secretary of the senate and the clerk of the house of representatives the records, books, papers, and rolls of the general assembly as soon as approved by the governor" and hand over copies thereof to the public printer.

None of these provisions required the secretary to print any report, nor does any such requirement seem to have been made by law prior to 1895, though the custom of publishing a biennial report was begun long before that date. The act of 1895 required that this report shall contain "a full record of the official business transactions of his office for the two preceding years, together with such statistical and historical information, taken from the records and archives of his office, as will be useful and instructive to the citizens of the State."

This is very good, but unfortunately a good deal of valuable space is wasted by reprinting the same thing year after year. For example, more than one hundred pages are taken up with reprinting the complete roster of the legislatures from 1820 to the date of the latest issue, the executive and judicial officers from the creation of each office, and even the county officers from the creation of each county. All this is valuable information, but it seems hardly worth while to reprint it every two years instead of giving the space to other "statistical and historical information, taken from the records and archives." A valuable innovation made by the present secretary, Hon. J. B. Higgins, is the "Biographies of State Officials," somewhat like those found in the Congressional Directory. This probably will be extended in the next "Report" to cover the members of the legislature.

An examination of the archives belonging to the different offices shows that they have been kept with varying degrees of care. Some have been lost for all time, due to one of three causes: carelessness, the fortunes of war, or lack of store room. On the capture of Little Rock by the Federals in 1863 the capital was moved to Washington in Hempstead County; and some of the archives were

hauled there by wagon. It was reported that, when paper became scarce, some of the record books were used in making cartridges. Some not thus used probably never were returned to Little Rock. By the opening of the twentieth century some of the offices had become so crowded that, in desperation, officials dumped out some of the archives and sold them to a dealer to be shipped to a paper mill in St. Louis. Fortunately a few of the more important ones were recovered by individuals interested in preserving our history.

A few examples may be given to show the present condition of the archives. Among the records kept by the secretary of state may be mentioned the following:

Civil Records. These contain lists of state, county, and township officers with dates of commissions. They cover the period from the organization of the territory in 1819 to the present, except 1865 and 1875. It is easy to understand why the Confederate records for 1865 are missing, but hard to understand why those of 1875 cannot be found.

The Executive Register. This gives the appointments, communications, and rewards offered for the arrests of criminals by the governor. Complete since 1838 except for 1871 and 1872.

Pardons and Proclamations. Part of the time these are kept in the Executive Register, part of the time in a separate volume. The collection is fairly complete.

Anti-Trust Records. Since 1899, corporations doing business in the State have been required to file annual reports and affidavits that they have not violated the law. Complete since 1899.

Incorporation Records. Fairly complete, under varying names, since 1868.

Railways. 1. Contracts for rolling stock. Complete since 1893. 2. Assessment Record. Complete since creation of the assessment board in 1868. 3. Annual Report of railways, express, telegraph, and sleeping car companies. Complete since 1884.

Penitentiary Records. Changes in management and method have resulted in scattered and incomplete records. It is doubtful if there are any back of 1880. Some since that date are in the office of the secretary of state, and some are at the penitentiary.

House Journals. Complete in the originals except for 1826-1831, 1834-1842, 1856-1860.

Senate Journals. Complete except for 1824-1833, 1834, 1840, 1850-1851, 1853-1857.

Acts. Complete except for 1821, 1823, 1825, 1827, 1828, 1850-1851, 1854-1855, 1856-1857, 1864 (Confederate). In a few cases where the originals have been lost, printed copies are available.

Legislative Bills and Resolutions. For some time the secretary of state has endeavored to keep copies of all bills and resolutions introduced, but he confesses that his record is incomplete. Most of the bills are never printed, and it is difficult to secure typed copies.

Vetoed Bills and Resolutions. These with the veto messages have been kept since 1923.

Constitutional Convention Journals. The original and printed journals of the conventions of 1836, 1861, 1864, and 1868 were on file in the office of the secretary of state in the old capitol building in 1905, but the secretary reports that the original and printed journals for 1836 cannot now be found. A printed copy was recently secured for the library of the University of Arkansas. The journal of 1874 is in a fine state of preservation, but has never been printed. A convention met in 1917, and adjourned to meet again in 1918. Its journal was not published. The constitution which it drew up with a prefatory address by the convention, was published on very cheap paper. It was rejected by the people.

There are several other records in the care of the state department, their condition being comparable to that of the items mentioned above.

Auditor. An act of 1838 requires the auditor to keep "a letter book in which he shall copy all official letters which may be written by him." The same rule applies to the treasurer. The auditor is also required to "keep all public accounts, books, vouchers, documents, and papers relating the contracts of the state, and its debts, revenue, and fiscal matters" not intrusted by law to some other person. The law does not indicate whether they are to be kept permanently or not, but the presumption seems to be in favor of permanence. In reply to a letter quoting the law and asking about the condition of the archives the present auditor replied that the records are complete in every respect for the period since he took office, but he said very little about the earlier ones. A second letter asking specifically about them brought no reply.

Attorney General. This office does not seem to have been made a separate department with an office in the capitol until 1868. Prior to that time the duties of the office were performed by the prosecuting attorney for the district in which the supreme court sat and probably all the records kept were those filed with the court. The policy with regard to this office seems to have been developed by custom and then sanctioned by law. In 1877 the attorney general was required to "keep a well bound book in which he shall record one opinion of each particular point as given by himself." A clerk of the office reports "a book for 1875." A law of 1911 requires the attorney general to publish a biennial report to the governor and the legislature containing one opinion on each subject and an account of the activities of his office, yet printed reports have been made as far back as 1878. The present reports, however, are much fuller, each comprising a volume of considerable size.

The Supreme Court. This body dates from the organization of the state government in 1836, and its records, both archival and printed, are more nearly complete than those of any other part of the government, unless it be some recently created. Among the records are many papers of the superior court of the territory, some of which are in Spanish. The supreme court library has a complete file of its printed opinions and an almost complete set of the acts of the legislature. This library is a credit to the State.

The General Land Office. Prior to 1868 the duty of looking after the state land devolved upon the auditor. The act of 1868, creating the office of "Commissioner of State Land, Highways, and Improvement," says that the commissioner shall take possession of and have all the books, papers, evidences of title, plats, maps of saline and swamp and overflowed land. Among the more ancient documents he is supposed to have—and did have when located in the old capitol—is Field Notes and Plats of Boundary Surveys, relating to the several surveys of boundaries for Indian lands, and to the Missouri boundary on the north and the Louisiana boundary on the south. The notes relating to the western (Indian) boundary were very important; also, the Sales Records, for all lands sold by the State and by the Federal government. Today the Commissioner deals mainly with tax sales, forfeitures, and redemptions. When asked where his records were kept the gentlemen in charge

replied, "Some in this office, some upstairs, and some in the basement" (catacombs). No effort was made to investigate them.

In 1913 a sort of hybrid was brought into being with the creation of the Highway Commission, with a chairman elected by popular vote, and nominally under the Commissioner of Lands, Highways and Improvements, who in reality had nothing to do with him. This commission is required to make reports, but nothing is said in the law about the preservation of its archives. In practice, applications to the department are kept two years. Surveys are filed away and kept indefinitely. Also, solicitations for federal aid and for contractors' estimates are kept, but the office is crowded to suffocation and it cannot go on indefinitely keeping such records unless it is furnished more room. Many of its records are statistical and have little permanent value.

As other departments, boards, and commissions have been created from time to time, some have been required to keep records, some have not. For example, the superintendent of public instruction was required to "open a suitable office in which he shall keep all books, reports, documents and other papers relating to his office." The board of control for the hospital for nervous diseases is required to "keep in a bound book . . . a fair and full record of all their doings." The state burning board, however, is required to report its "doings" to the auditor; neither he nor the board is required to keep a permanent record. Failure to keep accurate records of their "doings" once proved very embarrassing to an ex-treasurer, T. J. Churchill, who, just after being inaugurated governor, was sued for an alleged shortage in accounts. The defendant claimed that a part of the shortage was due to script erroneously burned by the board.

State Library. The act of March 3, 1838, provides that the secretary of state shall be librarian of the state library and as such shall be custodian of "all books, papers, maps, charts and all other things belonging to the same; and he shall take special care that none of them be lost or injured."

In the old state capitol the wall on one side of the secretary's office was lined with books, many of them not government documents. If the visitor asked for the rest of the library and insisted on seeing it, he was taken, or if a "trusty," was given a key and directed, to the region below, which were aptly called by Josiah

H. Shinn "The catacombs underlying the old state house." The books found there consisted for the most part of government documents, national and state. Getting out a book was, as Mr. Shinn declared, "very much like exhuming a mummy." When the new capitol was in the process of building lovers of books and research workers hoped for better things; but this proved to be the substance of things hoped for, for the the books were merely transferred to the "catacombs" underlying the new state house. Even the few books which were above ground and exposed to the light in the old state house have disappeared, being presumably buried along with the other "mummies" where the archæologist may some day unearth them.

No appropriation is made to support the library or buy any books or magazines for it. It grows some by exchange, perhaps accretion would be a better term. Several years ago an employee of the bill drafting bureau of Wisconsin told the writer that the secretary of state had refused to take out of the express office a shipment of books from Wisconsin and that the bureau had to pay the express on them back to Wisconsin. How much to blame was the secretary of state? He is given no money with which to maintain a library and has no place to put one, if he had it.

There is conclusive evidence that an historical society existed prior to the Civil War, but it left no enduring monument. Between 1870 and 1900 several short-lived societies were organized in Little Rock. The work of one of these survives in a pamphlet of sixteen pages, published in 1881, giving the "Proceedings of the Legislature and of the Historical Society of Arkansas and the Eclectic Society, fixing the pronunciation of the name 'Arkansas.'" In 1903 Professor J. H. Reynolds, who was then occupying the chair of history and political science at the University of Arkansas, organized a society among his students which was later broadened to include members throughout the State and was named the Arkansas Historical Association. The active life of this association was brief; but it, mainly through the heroic and self-sacrificing efforts of Doctor Reynolds, accomplished one notable achievement which gives promise of permanence—the creation of the Arkansas Historical Commission by act of the legislature in 1905.

The law provided that a commission of five, selected from the Association, should supervise the publication of the first volume of

the "Publications" of the Arkansas Historical Association, for which $1,000 was appropriated, and should make a full investigation of the condition of the material relating to the history of the State. To meet the expenses of the latter the sum of $250 was appropriated. The bill was vetoed by Governor Jeff Davis, but was passed over his veto.

The commission consisted of Benjamin S. Johnson, Little Rock, chairman; J. H. Reynolds, Fayetteville, secretary; and R. J. Wilson, Fayetteville; W. H. Langford, Pine Bluff, and C. D. Greaves, Hot Springs. The commission met July 6, 1905, and by the meeting of the next legislature in January, 1907, had ready for it a volume of the "Publications" comprising 509 pages. Although he met with hearty co-operation from the other members of the commission and from several members of the Association, the secretary, who did most of the planning and actually wrote nearly half of it, is due the chief credit for this volume.

This volume is divided into two parts, the first giving an account of the archives, books, manuscripts, papers and documents concerning Arkansas which may be found in public repositories and private collections, both in and out of the State, including Spanish and French archives. This part of the volume is very comprehensive and is extremely valuable to any one seeking to locate material. The second part is devoted to historical papers and bits of source material. Thirty-one pages are given to the official correspondence of Governor Izard, 1825-26. A second volume of 587 pages appeared in 1908, made up of a great variety of papers and more bits of source material, such as the official orders of Governor Harris Flanagin, 1863-64.

Immediately following the publication of this second volume an important forward step was taken in the reorganization of the History Commission on a permanent basis. An act of May 31, 1909, provided for a commission consisting of the chief justice of the Supreme Court, the president of the University, the president of the State Normal, and six other members appointed by the governor and serving for twelve years without compensation except for expenses incurred in attending meetings. Upon the commission the law imposes a long and onerous list of duties:

SEC. 3. It shall be the duty of the commission to receive, classify and arrange for public use all official archives that may come into its custody;

to take charge of and care for the archives now in the basement of the old capitol and supervise their removal to a new statehouse; to prepare for publication an inventory of official archives in the several departments of state government; to assist the state officials in the removal of their archives to the new capitol; to collect and preserve all files of such newspapers as may be presented to the commission and to bind such of them as the funds of the commission will permit; to have repainted or retouched the old pictures now at the statehouse; to collect the portraits of pioneers, eminent Arkansans, and the pictures of historic homes and scenes; to collect and preserve aboriginal and Indian relics and memorials of the Mexican and Civil wars; to prepare and publish a roster of all troops from Arkansas in all wars in which our people have participated; to collect, classify, and preserve all manuscripts, diaries, journals and papers of historical value pertaining to Arkansas and Arkansans; to collect and prepare for publication data concerning the soldiers from Arkansas in the war between the states and the war with Spain; to have general supervisory control over all excavations of mounds and other places for relics; to select, edit, and publish such state papers as the resources at its command will justify; to co-operate with the secretary of the Arkansas Historical Association in preparing and publishing the future publications of said association; to build up at the state capitol a museum, art gallery and library, rich in the sources of Arkansas history; to submit to the governor a biennial report, setting forth in detail the work of the commission. All records, papers, archives and historical material coming into the possession of the said commission shall be and remain the property of the State; said commission shall act merely in the capacity of a trustee of the State.

The act further provides that "any state, county, or other official is hereby authorized and empowered at his discretion to turn over to the commission for permanent preservation any official books, records, documents, original papers and newspaper files not in current use in his office."

The personnel of the first commission was as follows: Hon. E. A. McCulloch; President John N. Tilluam; President J. J. Doyne, *ex-officio;* and A. C. Miller, Little Rock, James H. Berry, Bentonville (resigned in about a year and replaced by J. E. Wood, Marianna), H. B. McKenzie, Prescott, J. F. Mayes, Fort Smith, and Miss Clara B. Eno, Van Buren. The act authorized the commission to employ a full time secretary for the performance of the duties listed above, but made no appropriation for his salary; neither did it make any appropriation for printing. This was enough to discourage the commission, but its members were not cast down. At their first meeting they made some plans and

elected Professor J. H. Reynolds to act as secretary without salary. While carrying a heavy load of class room work, he prepared the third volume of the "Publications" for the printer and collected some important historical material. The legislature of 1911 passed a bill to pay the secretary, but the governor vetoed it. The commission then struck out boldly and employed Dr. Dallas T. Herndon, of Georgia, as secretary, relying upon the good faith of the next legislature to re-imburse him. Their faith was not misplaced, and Doctor Herndon has been with the commission ever since.

Although the salary of the secretary was provided, the printing fund was inadequate and the fourth volume of the Publications of the Arkansas Historical Association did not appear until 1917. No more publications of this character have been issued; but the secretary has prepared and published bulletins from time to time —some twenty-odd in number. Among those of more permanent value may be mentioned the following:

Bulletin No. 5, a catalogue of papers covering the period 1861-65, mainly military.

Bulletin No. 6, a Roster of Arkansas Soldiers in the Mexican War; Bulletin Nos. 13-16, a Biographical Index, 160 pages, giving references to material relating to the lives of prominent Arkansans. This is particularly valuable for references to newspapers; and Bulletin Nos. 17-20, Index of Newspapers, 181 pages, covering a great variety of subjects.

Besides these Doctor Herndon has prepared and published an *Outline of Executive and Legislative History of Arkansas.* This consists of brief biographies of governors, rosters of the state legislatures (which may be found in the Report of the secretary of state), and a few acts passed at each session of the legislature. Another unnumbered publication is the *Arkansas History Catalogue,* 1922. This has 69 pages devoted to lists of public documents, Arkansas newspapers, and books and pamphlets by Arkansans or about Arkansans. This is followed by eighty-four pages of miscellaneous matter, mostly state and United States publications. There is nothing to indicate where they may be found, but presumably in the rooms of the commission or the State Library.

In 1919 the legislature authorized the commission to collect material relating to the Great War, to enlist the assistance of various organizations interested in preserving its history and to estab-

lish with this material a war museum. A *Catalogue: Arkansas History Museum* (N. D.) in fifty-three pages gives a list of material found in the museum.

This covers the list of publications issued by the commission. Some of these will be very helpful to the investigator in finding material. Very little has been done in the way of publishing source material, for which the funds are inadequate except on a modest scale.

One of the most valuable collections made by the commission is approximately one hundred volumes of files of newspapers. The *Arkansas Gazette* was founded in 1819 and is reputed to be the oldest newspaper west of the Mississippi. The commission has many volumes of this journal, and the Gazette Publishing Company has a valuable supplementary list. A few of the papers cover the Civil War period (most of them suspended publication), and several cover the Reconstruction era. Some abandoned archives have been taken over. While the secretary, due to a lack of space and funds, has not been able to do much in the way of gathering this collection into one place convenient to the investigator, he had prepared a card catalogue to much of the material that will be quite helpful to one in search of biographical and historical information.

Strenuous efforts have been made to complete the roster of the soldiers in the Confederate service, but many of the state records were lost in the war. A committee of the Confederate Veterans spent something like $1,000 in this work and then turned over the results to the history commission. An appropriation to secure photostatic copies of the records in Washington met with the inevitable veto; and the roster, now containing something over 20,000 names, must remain incomplete until the records can be examined.

In addition to the appropriation for the history commission, the legislature of 1921 appropriated $1,000 to meet the expenses of the collection of muster rolls, relics, flags, historical records, etc., to be put in the Arkansas room of the Confederate museum at Richmond. The United Daughters of the Confederacy took charge of the task and fitted up the room, though the act said nothing about who was to do it. In 1923 the sum of $2,500 was turned over to this organization to be used in meeting the expenses of writ-

ing and publishing a book on the part played by Arkansas in the War Between the States. As a result of the act, *Arkansas in War and Reconstruction, 1861-1874,* by David Y. Thomas, was published in 1926.

The foregoing recital of facts indicates that the State has been rather careless in the preservation of its historical material and has done very little toward publishing that which has been preserved. Few, if any, states have done less. It is only fair to the legislature and executive, however, to say that, when the history commission was first created and for a few years thereafter, the state expenditures were considerably in excess of the revenue. But that day has passed. The most pressing needs are a store room, a separate fire proof building for the archives, an archivist to take care of them, and a small sum to provide for the publication of source and secondary material from time to time. For both of these tasks there is a history commission and a secretary ready at hand.